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CONSERVATION COMMISSION MINUTES

Date: May 15, 2014
Time: 7:30 p.m.
Place: City Hall, Room 209

With quorum present, the meeting opened at 7:32 p.m., Chairman Ira Wallach presiding.

Members Present: Ira Wallach, Judy Hepburn, Norm Richardson, Jane Sender, Susan Lunin, Dan Green (7:40), Roger Matthews (7:42).

Members Absent:

Staff Present: Jennifer Steel

Members of the Public: See attached sign-in sheet

WETLAND CASES

1. NOI – 1 Nontantum Rd. – 239-698

- Owner: DCR. Applicant: Friends of Daly Field Rep.: Fort Point.
- Proposal: Reconstruct fields as new athletic complex with artificial turf fields; install stormwater management system.
- Jurisdiction: Buffer zone, Riverfront Area (but it is exempt because it will be getting a Ch 91 permit).
- Presentation/Discussion:
 - A summary presentation was made by Jamie Fay for the public. The project in Newton involves rehabilitating a lit grass softball field and installing artificial turf.
 - Discussion ensued about the environmental safety of crumb rubber. The proponent noted studies, including Newton South HS, that have demonstrated no adverse impacts as long as crumb rubber doesn't sit in water. Norm Richardson noted studies that showed potential for environmental harm and asked whether the proponent could provide batch test results and soil pH analyses. The proponent stated that they: will be using only certified passenger car tire crumbs, anticipate field drainage at 10" per hour, and will be conducting water quality testing at the outfall in Boston and will forward those reports to the Newton Con Com. It was noted that DEP had, on appeal, approved crumb rubber fields in buffer zone.
 - Discussion ensued about lighting noted that recent revisions had limited spill onto river bank and river. It was noted that the site is lit and that it is an urban and intensive use site.
 - A member of the public noted Bob DeReubis' and Scott Lenin's support for the project.
 - Discussion ensued about stormwater management on the Daly Rink Lot (leased and managed by Newton Country Day School). The proponent stated that they would replace the stone pad (it is clogged and dysfunctional). The proponent also stated that they would install a low berm to direct water to a vegetated swale 5' x 35' along south side of "boat ramp drive"; Ruth H of DCR stated that DCR would fund such a construction.
 - Discussion ensued about the TMDL phosphorous reduction requirements for the Charles River. Kate Bowditch of Charles River Watershed Association noted her discovery of errors in original calculations and so a failure to meet TMDL requirements. The proponent acknowledged the

errors and proposed to meet TMDL through an increase in subterranean storage and infiltration by elevating the drainage pipes by 1.5”.

- Vote: Motion to issue an OOC for the proposed work with the standard conditions and the following conditions (moved: Dan Green, second: Susan Lunin, vote: 6:1:0).
 - New dated stamped plans shall be submitted reflecting all proposed changes noted above (lighting, stormwater treatment in the Daly Rink Lot, and new plans and calculations for meeting TMDL requirements).
 - No work may begin until the applicant has submitted proof of receipt of the Ch 91 license.
 - Pedestrian pathway: Sedimentation controls must be placed right along the northern edge of “pedestrian pathway pavement”, and shall define the limit of work there, but for the allowance to remove the chain link fence, by hand, without disturbing existing vegetation in so doing.
 - Off-site sediment: Sediment shall not be allowed to be tracked off site. Construction entrance(s) must employ wheel-washes. Trucks leaving the site shall have their loads completely covered as per MGL Ch. 85 Sec. 36. Any dirt that is tracked off-site shall be swept. Catch-basins shall be protected and kept clean and fully operational at all times.
 - The contractor shall have dedicated impermeable washout areas for concrete equipment. Said areas shall not be near storm drains, wetland, or stormwater conveyances of any sort. Wash water shall be properly treated and disposed of.
 - Crumb rubber be from car tires only shall be allowed to be installed (no crumb from truck tires shall be used). Certification of such shall to be given to the Conservation Commission at the time of installation.
 - The O&M Plan must be crafted as a separate document and included in the MOU. A copy of the O&M Plan shall be submitted to the Conservation Commission prior to the issuance of a Certificate of Compliance.
 - The SWPPP must be developed, submitted to the Conservation Commission, and adhered to at all times. It must address the Daly Field and the Daly Rink Lot. It must address BMPs for the construction period (including, for example, issues of trash control, staging, traffic controls, and contractor parking.
 - The site shall be clean at the end of each workday to prevent erosion, dust, or other detrimental effects. All stored materials shall be properly covered or contained.
 - Dewatering can be recharged in dewatering basin on site. No direct discharge to river or storm drains, without “frac tank” or equivalent prior to discharge.
 - For three years, the applicant shall provide copies of the annual water quality and crumb rubber monitoring reports required by the Boston Conservation Commission to the Newton Conservation Commission upon receipt of them.
 - The Allston Brighton Friends of Daly Field, Simmons College, and Mass DCR, shall submit to these conditions in writing, to the extent that the conditions apply to each.

2. VIOLATION -- CONSTRUCTION MATERIAL STOCKPILE – Rumford Ave.

- Owner: City of Newton DPW.
- Issue: Pile of construction waste was built up too high and material fell down-slope and into Wabasso St.. Rectification activities have begun without consultation with the Conservation Commission.
- Jurisdiction: Riverfront Area, Buffer Zone.
- Presentation/Discussion: Over a month ago, Jennifer noted a small amount of spill over and asked Ted Jerdee to rectify the issue. The roadway was cleared, but expansion continued, so now, the leachate collection swale has been compromised and stockpiling in the riverfront area and buffer zone is significant. DEP was called out to the site, CDM has been engaged for consultation, and DPW has begun to pull the pile back and has been doing rectification work around the “receiving basin” at the end of the leachate swale. Jennifer has been to the site with Elaine Gentile (5/8/14).

Jennifer issued a letter requiring DPW to:

1. Develop and submit to the Conservation Commission a comprehensive site and materials management plan for all areas within the Commission’s jurisdiction (200-foot riverfront area and 100’ buffer zone).

2. Re-establish a permanent, vegetated, stable slope below and above the leachate swale.
3. Re-establish the leachate swale under the guidance of a LSP and DEP
4. Establish a permanent boundary at the “top of the slope” – demarcated on plans, and in the field with a chain link fence or lock block wall, to preclude future incursions over the slope.
5. Establish a permanent boundary along the edge of the “receiving basin” at the end of the leachate swale /edge of the entry road, to preclude future incursions over the slope.

Dave Turocy (DPW Commissioner), acknowledged failed oversight and his intent to address the situation seriously. Frank Nichols (City Engineer) presented a plan showing a perimeter roadway (as buffer), restoration of grades, and stabilization. Frank will oversee the project.

- Consensus: The Commission agreed to allow the work to proceed under the letter’s requirements, with Frank Nichols and Jennifer Steel coordinating.

3. **REQUEST TO CUT TREES ON RIVER – 57 Kingswood Rd.**

- Owner: Allan Campbell.
- Request: Cut two dead trees on river’s edge before they fall into the water.
- Jurisdiction: Riverfront Area, Buffer Zone, BVW
- Discussion: Owner was not present, but the Commission deliberated.
- Vote: Motion to allow the owner to cut the dead tree and the dying willow if they plant 2 native trees (in 24” pots) anywhere on their property (moved: Jane Sender, second: Susan Lunin, vote: 4:3:0).
- Motion to reconsider vote did not pass.

4. **INFORMAL INQUIRY – 11 Chesley Rd. – 239-626**

- Owner: Craig Bernabei.
- Request: Build a 10x20’ shed near the stream and change gravel driveway to stone dust.
- Jurisdiction: Riverfront Area, Buffer Zone
- Discussion: Owner sought to know how to file. Commission determined that an amended NOI would be the best.

5. **INTEREST IN TRAIL ALONG CHARLES RIVER / QUINOBEQUIN RD.**

- Owner: DCR.
- Informal presentation and discussion to identify Commission’s interests and concerns
- Discussion/Presentation: Jennifer Steel heard from John Rice (Alderman) that Rep. Balser has heard positively about her Environmental Bond Bill to get money for trail improvements, and that DCR is interested, but wants to know that the Con. Com is supportive of the concept. John Rice presented a short slide show noting the concerns and interests in trail improvements. Sallee Lipschitz (Waban Area Council) noted continuing decline and neglect. Judy Hepburn noted the need for proper design and engineered solutions. George Kirby (Bicycle Task Force) noted the desire for connectivity. Judy Hepburn will serve as the Commission’s point person and work with the proponents to move the issue forward.
 - From the Bond Bill: “For the department of conservation and recreation; provided, however, that \$250,000 shall be provided to the city of Newton for the design and construction of a pedestrian, bicycle and multi-use pathway along the Charles river between Routes 9 and Routes 16 and the improvement of such path to make it an official connector trail between Hemlock Gorge and Leo J. Martin golf course ... \$250,000.”

ADMINISTRATIVE MATTERS

6. **Minutes of 4-24-14** to be considered for approval.
 - Vote: Motion to approve the minutes (moved: Dan Green, second: Susan Lunin, vote: 6:0:1).
7. **73 Beaconwood legal case** – update on appeals: EO (re-appealed) and OOC (held by DEP until EO is sorted out in court)

- Request: Jennifer Steel will ask the Law Department for a memo summarizing the status of the cases/site.

CONSERVATION AREAS

8. Contracts:

- a. Annual Maintenance: John Menard seems super – we are limiting our “landscaping”
- b. Deferred Maintenance (trailheads): Sign design and fence design proposals
- c. Deferred Maintenance (repairs): List is being developed
- d. Norumbega: Suggested work – fence removal, bank improvements, pull and cut invasives from field. Volunteer commissioners were sought to assist with prioritization, drafting “specifications”, and drafting requests for quotes.

ISSUES AROUND TOWN

- 9. **Conservators.** Jennifer met at the Conservators Annual Meeting on 5/7/14. Coordination could occur over: land stewards, land management plans, invasives control, aqueduct trail effort, conservation restriction management, Crystal Lake, and “local waterways regulations”.
- 10. **Hammond Pond.** Jennifer “pre-applied” for a partnership grant for weed control. We were due to hear from DCR in the first week of May – nothing yet.
- 11. **Aqueduct Access.** There is interest in engaging in community meetings, so we may hire MAPC with CPA funds to help with the public process and planning effort.

OTHER BUSINESS THAT MAY LAWFULLY COME BEFORE THE COMMISSION

12. 17 Drew Rd. – 239- 674 – Request for COC

- Developer: Alex Genin.
- Discussion: Iron pipes with orange caps were placed (today, with photos as proof) along the edge of the restoration strip as per the plans. Grass is not lush, but is adequate to preclude erosion.
- Vote: Motion to issue complete COC (moved: Roger Matthews, second: Susan Lunin, vote: 7:0:0).

- 13. **46 Suffolk Rd. – Violation -- Update:** The Commission issued an EO for exceeding limit of work into buffer zone in violation of building permit, but the contractor still has not fully complied. Jennifer continues to work with ISD to bring the site into compliance.
- 14. **Webster CA – NStar pole project and trail work – Update:** There are alterations at the Madoc Rd and Temple parking lot trailheads.
- 15. **Nahanton Park – ADA trail – bridge the stream – Update:** Jennifer has been approached by the Friends of Nahanton with an interest in constructing a bridge across a small tributary to the Charles. The Commission would consider an NOI for this favorably. Jennifer will arrange for a site visit.
- 16. **Upper Falls Greenway – stairs from railroad to Charles River Pathway – Update:** Jennifer has been approached by Jim Lerner with an interest in placing stairs from railroad to Charles River Pathway. The Commission would consider this favorably. Jennifer will apprise Jim Lerner.
- 17. **Lycott Aquatic Weed Control Purgatory Cove – Update:** – Lycott will stage 5/19 and work 5/20-6/17/14. Jane Sender will be point person on this.
- 18. **Copy of the approved OSRP for Conservators** given to Jane Sender.

Adjourn. Vote: Motion to adjourn at 10:38 (moved: Jane Sender, second: Susan Lunin, vote: 7:0:0).